

REMARKS

In view of the preceding amendments and the comments which follow, and pursuant to 37 CFR §1.111, amendment and reconsideration of the Official Action of December 13, 2004 is respectfully requested by Applicants.

Claims 1-7, 11-42, and 44 have been cancelled without prejudice. Claims 8 and 43 have been amended. Support for the recitation added to claim 8 that defines "n" and "Y" is found in original claim 1, now cancelled. No new matter has been added.

Claims 8-10 and 43 remain pending for examination.

Allowance of claims

The examiner's allowance of claims 9 and 10 has been noted by Applicants with appreciation.

Rejection under 35 USC §112, second paragraph

Claims 24-28 and 43 have been rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The examiner argues that the scope meant to be encompassed by these claims is unclear.

Claims 24-28 have now been cancelled, making the rejection moot for these claims. Claim 43, which previously depended from claim 24, has been amended to now depend from claim 8, thereby avoiding the rejection.

The examiner's reconsideration of the rejection is respectfully requested by Applicants.

Rejection under 35 USC §102 (b)

Claims 8, 24, 27, 28, and 43 have been rejected under 35 USC §102 (b) as being anticipated by Fryer et al., U.S. Patent No. 3,819,602 (hereinafter "Fryer"). The Examiner argues that the Fryer compounds of formula VI wherein E is a sulfate or phosphate moiety anticipate the compounds of claim 8 wherein L is a heteroalkyl group and Y is SO_3 or PO_3H . The kit of claim 43 requires as its sole component the compound of claim 24 and therefore is also anticipated by Fryer.

By way of the present amendment, claim 8 and claim 43 depending therefrom have been amended to delete the recitation of "heteroalkyl", thereby limiting L in formula (II) to an alkyl group containing from 1-20 carbon atoms and thereby avoiding the disclosure of Fryer. Claims 24, 27, and 28 are now cancelled. Applicants respectfully request the Examiner's reconsideration of the rejection as applied to claims 8 and 43.

Rejection under 35 USC §102 (b)

Claims 8, 24, 27, 28, and 43 have been rejected under 35 USC §102 (b) as being anticipated by Wang et al., EP 264,797 (hereinafter "Wang"). The Examiner argues that the Wang compounds of the structure of Fig. 2 wherein R_1 is RZQ wherein R is a linking group consisting of from 0 to 20 carbon atoms and heteroatoms, Z is SO_2 , and Q is OH anticipate the compounds of claim 8 wherein L is a heteroalkyl group and Y is SO_3 . The kit of claim 43 requires as its sole component the compound of claim 24 and therefore is also anticipated by Wang.

By way of the present amendment, claim 8 and claim 43 depending therefrom have been amended to delete the recitation of "heteroalkyl", thereby limiting L in formula (II) to an alkyl group containing from 1-20 carbon atoms and thereby avoiding the disclosure of Wang. Claims 24, 27, and 28 are now cancelled. Applicants respectfully request the Examiner's reconsideration of the rejection as applied to claims 8 and 43.

Rejection under 35 USC §102 (b)

Claims 8, 24, 27, 28, and 43 have been rejected under 35 USC §102 (b) as being anticipated by Kanehiro et al., MARPAT abstract 118:101995 (hereinafter "Kanehiro"). The Examiner argues that the Kanehiro compounds of the structure of formula I wherein R_1 is RZQ wherein R is a C1-C10 linkage group containing a hetero atom, Z is SO_2 , and Q is OH anticipate the compounds of claim 8 wherein L is a heteroalkyl group and Y is $-SO_3$. The kit of claim 43 requires as its sole component the compound of claim 24 and therefore is also anticipated by Kanehiro.

By way of the present amendment, claim 8 and claim 43 depending therefrom have been amended to delete the recitation of "heteroalkyl", thereby limiting L in formula (II) to an alkyl group containing from 1-20 carbon atoms and thereby avoiding the disclosure of Kanehiro. Claims 24, 27, and 28 are now cancelled. Applicants respectfully request the Examiner's reconsideration of the rejection as applied to claims 8 and 43.

Applicants submit that their application is now in condition for allowance, and favorable reconsideration of their application in light of the above amendments and remarks is respectfully requested. Allowance of claims 8 and 43 at an early date is earnestly solicited.

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The Examiner is hereby authorized to charge any fees associated with this Amendment to Deposit Account No. 02-2958. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marilyn L. Amick", written in dark ink. The signature is positioned above a horizontal line.

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